IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1541 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/09/2004 in WP NO : 9364 OF 2004 on the file of the High Court.)

Between:

Mahavir Pershad, S/o Late Sri Madanlal,
R/o 8-2-616/1/B/3A, Road No.11, Banjara Hills, Hyderabad.

..... APPELLANT

AND

1 The Collector, Hyderabad District, Hyderabad.
2 The Mandal Revenue Officer, Shaikpet Mandal, Road No.2,
Banjara Hills, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant:MR.M.V.S.SURESH KUMAR

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Copy of the order has not been filed but we have perused the original order in the back papers. Appellant's writ petition was dismissed on the ground of availability of effective and efficacious alternative remedy of preferring an appeal under Section 10 of the Land Encroachment Act before the competent Authority and accordingly learned single Judge directed that in case appeal is filed within two weeks from the date of receipt of a copy of the order, the same will be heard and decided by the competent authority in accordance with law.

Having heard the counsel for the appellant, we are of the view that no interference is called for with the impugned order of the learned single Judge inasmuch as whatever points the appellant would like to urge in this appeal and on whatever grounds the appellant would like to question the action of the respondents, the same can always be taken and agitated in the appeal before the appropriate authority. However, in the facts and circumstances, we extend the time now for filing the appeal before the competent authority and dismiss the writ appeal with liberty reserved to the appellant to challenge the order of the Mandal Revenue Officer in accordance with law in the appeal before the competent authority by raising all questions raised by him in this writ appeal. In case the appeal is filed within a period of two weeks from the date of receipt of a copy of the order of this court, the same will be heard and decided in accordance with law as expeditiously as possible. Till the filing of the appeal before the competent authority, status quo as regards possession and nature of the property shall continue to be maintained by both the parties.

Ordered accordingly.

DEVINDER GUPTA, CJ

28-10-2004

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C.V.RAMULU, J

Tvr

To

1 The Collector, Hyderabad District, Hyderabad.
2 The Mandal Revenue Officer, Shaikpet Mandal, Road No.2, Banjara Hills, Hyderabad.

3 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

4 2 CD copies.